

**HUMAN RIGHTS COMMISSION**  
**RULES OF PROCEDURE**

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## **RULE 1 SCOPE**

These rules govern the practice and procedure before the City of Northampton Human Rights Commission (hereinafter referred to as the Commission) in all matters arising out of, and are adopted pursuant to, Article XLII, sections 2-601, *et. seq.*, of the Ordinances of the City of Northampton (hereinafter referred to as the Ordinance). In any situation in which these rules do not specifically apply, the Commission or a Commissioner may exercise discretion so as to further the aims of the Ordinance; namely, to uphold the human and civil rights of all persons living, working and visiting the City of Northampton; and, the free exercise and enjoyment of any and all rights and privileges secured by the Constitution of the United States, the Commonwealth of Massachusetts and the City of Northampton.

## **RULE 2 ORGANIZATION**

2.1 OATH OF OFFICE: New members of the Human Rights Commission shall take the oath before the City Clerk to perform faithfully the duties of their office prior to attendance at their first meeting.

2.2. ELECTION OF OFFICERS: The Commission shall elect annually a Chairperson and a Vice-Chairperson. The Commission may elect such other officers as it may deem advisable or necessary at any time; however, such officers shall be re-elected, if deemed necessary, on the same election date as the Chairperson and the Vice-Chairperson.

2.3 PRESIDING OFFICER: The Chairperson of the Human Rights Commission, if present, shall preside at the meetings. In the absence of the Chairperson, the Vice-Chairperson shall preside, and, in the absence of both, a temporary chairperson as chosen by the Commission shall serve during the absence of both the Chairperson and the Vice-Chairperson.

2.4 DUTIES OF PRESIDING OFFICER: The presiding officer shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all questions of order, subject to an appeal to the full Commission.

2.4.1. The presiding officer shall be allowed to vote on any question to appeal.

2.4.2. The presiding officer shall declare all votes and, if the result be in doubt, may require a roll call vote.

2.4.3. When the presiding officer desires to relinquish the chair, s/he may call any Commissioner to it; but such substitution shall not continue beyond the will of the Presiding Officer so relinquishing the chair or beyond an adjournment.

2.4.4. The presiding officer may state facts and give opinions upon questions of order without relinquishing the chair.

2.4.5. The presiding officer shall be ex-officio member of all committees.

### **RULE        3        MEETINGS**

3.1     REGULAR MEETINGS: The Commission shall meet at least six (6) times per year at any suitable public building, handicap accessible, within the City of Northampton at a date and time as set by the Commission.

3.2     SPECIAL MEETINGS: Special meetings may be held at the call of the Chairperson, the Mayor, the City Council, or on the call of five (5) or more members of the Commission by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in the case of an emergency, of which the Chairperson or Presiding Officer will be judge, such notice shall be posted upon the City notice board and delivered at least 48 hours in advance of the meeting.

3.3.    QUORUM: The presence of five (5) members of the Commission shall constitute a quorum for the transaction of business.

3.4     ATTENDANCE: All members are expected to attend all meetings except for vacation, illness or other good cause.

3.5     ORDER OF BUSINESS: The order of business at every regular meeting of the Commission shall be as follows; and, shall not be departed from except by vote of the majority of members present.

1.     Call to Order
2.     Roll call of members
3.     Approval of Minutes of previous meeting
4.     Public Forum
5.     Communications to Commission
6.     Complaint Hearings
7.     Motions and Resolutions
8.     Reports of Committees
9.     Unfinished Business
10.    New Business
11.    Adjournment

3.6     DISPOSITION OF AGENDA ITEMS: All items of business appearing upon the Commission Agenda shall be taken up in the order of their appearance and be fully and openly debated and disposed of by vote of the Commission previous to consideration of any other item of business.

3.6.1 No item of business shall be referred to committee except for the following reasons:

- A. For study and report at a subsequent meeting.
- B. For the purpose of drafting proposals.
- C. For such other reasons as the Commission finds suitable to further its function.

## **RULE 4 COMMITTEES**

4.1 APPOINTMENT: The Commission may establish such committees as are deemed necessary to carry out the work of the Commission. The Chairperson shall seek Commissioners' requests for Committee appointments and then appoint members as s/he deems necessary.

4.2 COMPOSITION – CHARGE: The following standing committees shall meet at such times and places as each committee deems suitable.

A. Publicity. To consist of 1 or more Commission members to publicize the activities of the Commission, to ensure the Commission maintains a visible profile in the press and a known presence within the City.

B. Rules and Procedures. To consist of 1 or more Commission members to consider the advisability and merit of any adoption or change in any rule of procedure of the Commission, and to refer to it as well as to its form and legality thereof.

C. Local, State and Regional Matters. To consist of 1 or more Commission members who will research and monitor matters of human or civil rights matters that are occurring locally or regionally; and to propose any correspondence or other advocacy by the Commission in the furtherance of any such rights.

D. Outreach and Liaison. To consist of 1 or more Commission members to serve as liaison between the Commission and the Mayor, the City, and any boards or commissions, schools, city departments and community groups; to bring any matters to the attention of the Commission wherein it may make response or advocacy to any outside group or city entity to further its function and purpose.

E. Report. To consist of 1 or more Commission members to maintain statistics, activities of the Commission and other such matters to be included in its Annual Report of the state of human rights in the City.

## **RULE 5 VOTING**

5.1 ROLL CALL: The Commission in the first instance will operate by consensus in its deliberations and decision-making. Any Commissioner may request the Chairperson to conduct a roll call vote on any matter before the Commission.

5.2 VOTE: Every Commissioner present when the question is put shall vote yes, no, or abstain.

5.3 CHANGE: Prior to the announcement of the Chairperson of a result of a roll call vote, any Commissioner may ask to have his/her name called again in order to record themselves differently.

5.4 CONFLICT OF INTEREST: Commissioners shall not vote on any question or serve on any Committee in a manner inconsistent with M.G.L. 206A.

## **RULE 6 DEBATE**

6.1 GENERAL: The Commission in the first instance, and in recognition of Rule 5.1 above, will encourage the free flow of debate in its deliberations. The Chairperson, or any single Commissioner, may request that formal debate procedures as provided for in Rules 6 and 7 herein be adhered to under any agenda item. Upon such a request, the Chair will instruct the Commissioners to so comply.

6.2 QUESTION: Every Commissioner when about to speak, shall respectfully address the chair and wait to be recognized. They shall confine themselves to the question under debate and shall avoid discussion of personalities.

6.3 LIMITS: No member shall speak more than twice to the same question without leave from the chair, nor more than once until all other members desiring to speak, have spoken. No member shall have, or hold the floor, for more than ten (10) consecutive minutes of debate, unless extended by a vote of a majority of the Commissioners.

6.4 WITHDRAWING QUESTION: After a motion is stated or read by the chair it shall be deemed to be in possession of the Commission, and shall be disposed of by vote, but the mover may withdraw it at time before a decision or amendment.

## **RULE 7 ORDERS OF MOTIONS**

7.1 EXCEPTIONS: When a question is under debate, the chair shall receive no motion except the following:

1. To adjourn
2. To take a recess
3. To lay on the table
4. To close debate and move the question
5. To limit or extend the limits of debate
6. To postpone to certain date
7. To refer
8. To amend
9. To postpone indefinitely, motions 1-8 above shall have precedence over motion 9.

7.2 RECONSIDERATION: Unless otherwise provided for, after vote has been taken, it shall be in order for any member to move reconsideration thereof at the same meeting or the following meeting at which the vote was taken.

7.2.1 Not more than one motion for reconsideration for any vote shall be entertained, and no vote upon any of the following motions shall be reconsidered: to adjourn, to lay on the table, to take from the table, to move the question and to reconsider.

7.3 When any motion, order, proclamation, resolution or other measure has been rejected by the Commission, no item embodying substantially the same subject, as defined by the Chair, shall be presented to the Commission within three (3) months of rejection of the measure, unless as voted on by 2/3rds majority of the Commission.

## **RULE 8 COMPLAINTS**

### **8.1 DEFINITIONS:**

8.1.1 “*UNFAIR PRACTICE*” – the denial of equal access or opportunity in, and/or discrimination in, matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of race, color, religious creed, national origin, sex, gender identity or expression, sexual orientation, age, ancestry, disability, marital status, veteran status, receipt of public housing or assistance, or because they have children.

8.1.2 “*PERSON*” – shall mean any natural person or legal entity.

8.1.3 “*COMPLAINANT*” – shall mean the person or persons filing the complaint.

8.1.4 “*RESPONDENT*” – shall mean the person or persons alleged in the complaint to have committed an unfair practice.

### **8.2 FORM AND FILING:**

8.2.1 *WHO MAY FILE:* Any person or persons claiming to be aggrieved by an alleged unfair practice, or the duly authorized representative of such person(s) claiming to be aggrieved, or any organization, whether or not incorporated, whose purposes include the elimination of the unfair practice which is the subject of the complaint, and whose members include persons claiming to be aggrieved by the alleged unfair practice, may file a complaint with the Commission.

8.2.2 *FORM:* The complaint shall be in writing, on a form supplied by the Commission, and signed by the Complainant under the penalties of perjury. Any communication received by the Commission which appears to be in the nature of a complaint will be returned immediately to the person with a copy of the Commission’s Complaint Form for completion. The form shall contain:

1. The appropriate identification of the complainant, including full name, address and telephone number.

2. The name or other appropriate identification of the person alleged to have committed the unfair practice.
3. A plain and concise statement of the facts of the alleged unfair practice.
4. The date(s) of the alleged unfair practice.

8.2.3 **FILING:** The complaint may be filed in person or by certified mail to Northampton Human Rights Commission, City Hall, 210 Main Street, Northampton, MA 01060, within 180 days of the occurrence or the last date of the alleged unfair practice.

The Commission shall acknowledge, in writing, receipt of the Complaint within sixty (60) days of its filing, and shall also forward a copy of the Commission's Rules relating to the complaint procedure.

8.3 **SERVICE:** As soon as possible, or in any event no later than sixty (60) days within the filing of the complaint, the Commission shall cause to be served upon the respondent, at the address furnished by the complainant, a copy of the complaint by certified mail, return receipt requested. The copy of the complaint shall be accompanied by:

1. A notice that the respondent may file an answer to the complaint within the time specified in these rules.
2. A notice to the respondent that the Commission is charged with assessing the merits of the allegations and helping the parties come to a resolution.
3. A notice that the failure to file an answer shall not be construed by the Commission as an admission of the allegations in the complaint, nor shall it prevent the respondent from participating in the Commission's fact finding, or in any attempts to resolve the matter.
4. If the Commission becomes aware of any acts of retaliation the information will be forwarded to the appropriate authorities.

8.4 **RESPONDENT'S ANSWER:** The Respondent may file a written answer to the complaint, signed under the pains of perjury. The answer shall contain appropriate identification of the parties, and a statement, in short and plain terms, of the respondent's defenses to each item in the complaint, and shall admit or deny the allegations of the complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of any particular allegation, the respondent shall so state. Such statement shall have the effect of a denial.

8.5 **REPRESENTATION OF PARTIES:** At any stage in proceedings before the Commission, any party may be represented by counsel retained by such party at the party's own expense. The role of such representative at any meeting shall be limited to advising his or her client during such proceedings.

8.6 **CONFIDENTIALITY:** This section is governed by the Public Records Law, MGL c. 66, the Fair Information Practices Act, c. 66A, and the statutory definition of public records, c.4, '7 (26).

8.6.1. All information and documents received in connection with the filing of a complaint shall be confidential and for the internal use of the Commission and its staff, pursuant to c.4, '7 (26)(c), with the following exceptions:



- a. The complainant, respondent, and witnesses shall be entitled to copies of their own affidavits or other documents signed by them respectively;
- b. The final fact-finding report of the Commission shall be a public document; and
- c. Upon the ultimate disposition of the matter by the Commission, whether by resolution through mediation, referral or dismissal, the materials related to a complaint, including any findings of fact and recommendations issued after fact-finding shall become public records to the extent that their release does not constitute an unwarranted invasion of privacy or otherwise violate the above-cited laws.

8.6.2. Mediation or other conciliation conferences conducted with respect to a complaint shall remain confidential and all information discussed or disclosed during the course of such conference shall not be made public without the written consent of both parties.

8.6.3. Any agreement arising out of mediation or other conciliation conference shall be an agreement between the complainant and the respondent, and shall be made public unless the parties agree otherwise.

8.7. WITHDRAWAL OF COMPLAINT: A Complainant may request withdrawal of a complaint by filing a written and signed request with the Commission, setting forth the reasons therefor.

8.8. INITIAL REVIEW OF COMPLAINT: Upon the filing of a complaint, a subcommittee of three (3) members of the Commission shall review the allegations contained therein, and may dismiss the complaint if it appears on the face of it that the Commission lacks jurisdiction over the parties or the subject matter of the complaint.

8.9. FACT-FINDING:

A. If a complaint has not been dismissed after initial review, a subcommittee of three (3) members of the Commission shall as soon as practicable meet with the complainant, the respondent and any witnesses presented by either party, and shall conduct such other inquiries as it deems necessary, to determine the truth of the allegations of the complaint. Both the complainant and the respondent shall be notified of all such meetings, and shall have the right to attend any such meeting.

B. Referral to mediation: At any point during such inquiries the subcommittee may refer the parties to mediation or other conciliatory process. Where the recommendations include mediation or other conciliatory process, the Commission may make provision for such mediation or conciliation services. Nothing herein shall prevent or prohibit the Commission from providing such mediation or conciliation services at the request of both parties.

## **RULE 9 PUBLIC FORUM**

9.1 CONDUCT: Any member of the public desiring to address the Commission shall be recognized by the Chair, shall state his/her name and address in an audible tone for the record, and shall limit his/her remarks to matters of Commission business.

9.2 LIMIT: The Public Forum portion of the Commission Agenda shall be limited to thirty (30) minutes unless a majority of the Commission so votes to extend this time at any regular meeting. Any citizen or petitioner shall be limited to three (3) minutes unless a majority of the Commission so votes to extend any single petitioner's time. Public members may be recognized to speak at the pleasure of the Presiding Officer who may recognize others to speak in preference to any member of the public who has spoken to the Commission at that or at a recent meeting.

9.3 NON-RESIDENTS: Members of the public who are not residents of Northampton may speak when all residents who wish to do so have spoken.

## **RULE 10 PARLIAMENTARY PROCEDURE**

10.1.1 VOTE: Insofar as these rules are not of statutory source or origin, the same may be amended, repealed or suspended at any meeting by the two-thirds vote of Commissioners present.

10.1.2 CONCURRENCE: If any action is taken inconsistent with these rules, the same shall be construed to have been taken in the suspension of the rules thereof, provided that the Commission concurs in such action.

10.2 ROBERT'S RULES: In all matters of parliamentary procedure not provided for in these rules, the Commission shall be governed by the current edition of *Robert's Rules of Order Newly Revised*, Scott Foresman.

10.3 MINUTES: The minutes of the Commission meetings shall include the Commissioner who makes a motion and also the Commissioner who seconds same.

## **RULE 11 SECRETARY TO THE COMMISSION**

11.1 STAFF: The Secretary of the Commission (whether staff from the Mayor's office, an assigned staff person, or other designee as may be made for record keeping) will maintain records of all Commission business.

11.2 DOCUMENTS – RECORDS: To accept, distribute and file items to be placed on the Commission agenda or in the Agenda Packet including:

- A. Reports and communications from the Commission committees, Mayor, City Council, City boards and committees;
- B. Motions, orders, proclamations, resolutions or other forms of business to be presented to the Commission for action at meetings.

All requests and proposals shall be submitted to the Secretary in a form that is identifiable and readable. Failure by an author or his/her designee to attend the Commission meeting and be prepared to present any explanation may cause the item not to be considered at that time. The Presiding Officer shall be informed of all items brought to the Secretary.

11.3 LISTING OF MATTERS: The Commission Agenda Packet, complete with copies of all items for consideration and documentation shall be delivered to the Commissioners no later than 5:00 p.m. two days preceding the regular Commission meeting.

11.4 FILING OF PAPERS: Any motion, resolution or other form of business to be presented to the Commission at its regular meeting for its consideration or action shall be submitted to the Secretary of the Commission no later than 9:30 a.m. of the 5<sup>th</sup> day preceding the regular meeting.

11.5 COMMUNICATIONS TO THE COMMISSION: All communications addressed to the Commission as a body, or to the Secretary of the Commission, or the Presiding Officer on matters of interest to the entire Commission and which would not in the normal course of Commission business be referred to the Commission for consideration or action will be kept in the possession of the Secretary available for Commissioner's inspection.